

**MINUTES OF THE
PRIVATE PROTECTIVE SERVICES BOARD MEETING
October 25, 2012
HOLIDAY INN NORTH
2805 HIGHWOODS BLVD.
RALEIGH, NC 27604**

BOARD MEMBER PRESENT

Richard Allen
Denise Martin
Ed Cobbler
Bob Graham
Clyde Cook
Eric Weaver Sr.
William Macrae
Richard Epley
Marcus Benson
James Stevens
Robert Clark

BOARD MEMBERS ABSENT

Bill Booth
Judge Burris

STAFF PRESENT

Terry Wright – Director
Anthony Bonapart - Deputy Director
Jeff Gray – Attorney
Judy Pittman - Training Officer
Garcia Graham – PPSB Board Secretary

GUEST PRESENT

Jon Knowles
James Mabry
Sandra Epley
Troy Sanchez
Thomas Thompson
Gregory Hatton
Larry Flannery
Dorian Dehnel

Walter Pylypiw
David Roebuck
Bruce Shoe
Michael Walker
Neil Mayzik
Chris Greaum
Bill Johnson
Bill Dover

Anthony McCollum
Keith Hollen
Matt Johnson
Pam Mayfield
Frank Bianco
Keith Warren
Donald Jemison

CALL TO ORDER

Chairman Richard Allen called the October 25, 2012 Private Protective Services Board meeting to order at 9:23 a.m. Chairman Allen welcomed all guests. He reminded all the Board members that after the Board meeting all members are required to attend chapter 93.3 training that will be taught by attorney Gray.

Attorney Jeff Gray explained the State Ethics Act, which addresses the ethics of public officials. This Act states specifically that if any Board Member has any conflict of interest, potential conflict of interest, or the appearance of a conflict, he or she should remove themselves from deliberation and vote on that matter and so state on the record.

GOOD OF THE ORDER:

Mr. Larry Flannery, Past President of NCAPI, greeted the Board and all of the guests. He gave an overview of the NCAPI fall conference in Hickory North Carolina. He related that they offered 12 CEU units to attendees for \$100.00 per person for a two day class. He related that the course was taught by good instructors and NCAPI will continue to offer CEU credits at the 2013 spring and fall conferences. In September 2012 Mr. Flannery and Mr. Bill Fletcher went to Boston Massachusetts to attend the National Conference of Investigative Specialists (NCISS). Bill Fletcher has been elected to the Board of Directors for NCISS. Mr. Flannery reported that Mr. Fletcher is the first North Carolina representative to ever sit on the NCISS Board of Directors.

APPROVAL OF THE AUGUST 30, 2012 MEETING MINUTES AND THE MINUTES FROM THE SEPTEMBER 25, 2012 SPECIAL MEETING OF THE OUT OF STATE CRIMINAL RECORD CHECKS COMMITTEE

MOTION BY MR. GRAHAM TO ACCEPT THE MINUTES; SECONDED BY MR. MACRAE; MOTION CARRIED.

SCREENING COMMITTEE REPORT:

Mr. Clark reported that the Screening Committee met on Wednesday, October 24, 2012 from 2:00 p.m. until 5:30 p.m. to review a total of 48 applications. (See report). The committee members were, Mr. Clark, Mrs. Martin, Mr. Cobbler, Mr. Benson, Mr. Macrae and Mr. Weaver. Mr. Clark read the report for the record.

Mr. Clark presented the following registration report for the period of August 27, 2012 through October 22, 2012. Total registrations 4,064; armed totals were 580 of which 208 were new, 345 were renewals, 1 duplicate, 1 transfer and 25 reissue/dual. There was a total of 6 armed Private Investigators, 3 new Private Investigators and 3 renewals, and a total of 8 armed Private Investigator Associates with 6 new Private Investigator Associates, 1 new and 1 reissue/dual. Unarmed totals were 3,470 which included 1,362 new, 1,916 renewals, 149 transfers, 11

duplicates and 32 reissue/dual. Total denials were 718 of which 141 were for cause and 577 for correctable reasons. There were 548 applications approved which were previously denied for a total of 1,266 denials reviewed.

MOTION BY MR. MACRAE TO ACCEPT THE SCREENING COMMITTEE REPORT AND THE REGISTRATION REPORT; SECONDED BY MR. BENSON; MOTION CARRIED.

GRIEVANCE COMMITTEE REPORT:

Mr. Stevens reported the Grievance Committee met on Wednesday, October 24, 2012 from 8:00 a.m. until 11:45 a.m. and heard a total of 7 cases. The committee members were Mr. Stevens, Mr. Graham, Mr. Epley and Mr. Cook. Mr. Stevens presented the attached report. (See attachment).

MOTION BY MR. CLARK TO ACCEPT THE GRIEVANCE COMMITTEE REPORT; SECONDED BY MR. EPLEY; MOTION CARRIED.

TRAINING & EDUCATION COMMITTEE:

Mr. Stevens advised the Training & Education Committee met on October 25, 2012 from 7:30 a.m. until 9:00 a.m. The committee members were Mr. Stevens, Mr. Allen, Mr. Clark, Mr. Epley, Mr. Macrae and Mr. Weaver.

Investigator Pittman read the course schedule. The following trainer courses are scheduled:

November 19, 2012 (1000-2300)	FT Re-certification Course	NCJA
December 3-7, 2012	UGT Course & Workshop	WTCC

The above listed courses are posted on the PPSB website.

Presently we have 358 certified PPS unarmed guard trainers and 103 PPS certified armed guard trainers.

The following PPS trainer courses have been completed:

September 10-14, 2012 (0800-1700)	FT Certification Course	NCJA
September 17, 2012 (1000-2300)	FT Re-certification Course	NCJA

The following PPS Training Courses for CEU Credits have been completed:

September 5, 2012 Greenville, 9:00 a.m. -1:00 p.m.

The following PPS Training Courses for CEU Credits have been scheduled:

December 13, 2012 Raleigh, 1:00 p.m. – 5:00 p.m.

Mr. Stevens discussed the issue of individuals licensed by the Private Protective Services Board who hold the same license in other states. If the licensee commits unprofessional or prohibited acts in other states and the state takes action against the individual, should the licensee be required to notify the Board if action is taken against his/her license in another state.

After much discussion the Board directed attorney Gray to draft a rule requiring licensees to report disciplinary action taken against their license in other states.

MOTION BY MR. MACRAE DIRECTING THE ATTORNEY TO DRAFT A RULE REQUIRING LICENSEES TO REPORT DISCIPLINARY ACTION TAKEN AGAINST THEIR LICENSE IN OTHER STATES; SECONDED BY MR. EPPERLY; MOTION CARRIED.

Mr. Stevens reported weapons discharges at the following companies:

Lankford Protective Services
One Global Security
Securitas

Mr. Allen stated that the following 4 continuing education training courses have been submitted for approval: Advanced Combat Defensive Training (12 hours); Surveillance from an Insurance Adjusters Point of View (1) How Pedophiles Prey on Children (4) and Basic Intelligence Analysis for Private Investigators (8).

The courses will be listed on the web page.

MOTION BY MR. STEVENS TO APPROVE THE 4 COURSES AS PRESENTED; SECONDED BY MR. WEAVER; MOTION CARRIED.

Deputy Director Bonapart stated that the grant review committee recommends the following organizations be awarded grants in the following amounts for grant cycle PPSB 2012-2 under the Private Protective Services Board grant program:

Central Piedmont Community College – recommendation is \$5,000
Stanly Community College – recommendation is \$5,000

The Northern Hospital of Surry County also submitted an application for PPSB 2012-2. However, the review committee noticed some discrepancies in the training dates that must be corrected before the application can be considered. A representative of the Northern Hospital of Surry County was present at the meeting. The Board directed him to make the necessary

corrections to the application and submit the corrections to the Board prior to the December meeting date. The Board will vote on the application at the December 2012 Board meeting. However, if the application is approved then the Northern Hospital of Surry County will be bound by the requirements stipulated in the original announcement for PPSB2012-2.

MOTION BY MR. CLARK TO APPROVE THE GRANTS WITH THE STIPULATION THAT NORTHERN HOSPITAL OF SURRY COUNTY CORRECT AND RE-SUBMIT THEIR APPLICATION TO THE DECEMBER BOARD MEETING; SECONDED BY MRS. MARTIN; MOTION CARRIED.

Mr. Stevenson reported on the presentation given by Mr. Jason P. Speller at the October 25th T & E Committee meeting. The presentation was on personal protection (executive protection) and Mr. Speller provided the Board with an outline of the proposed training program.

Investigator Pittman and Mr. Epley will act as liaisons to Mr. Speller on his program and report back to the Board with their recommendations.

MOTION BY MR. CLARK TO ACCEPT THE TRAINING AND EDUCATION REPORT; SECONDED BY MR. EPLEY; MOTION CARRIED.

GRIEVANCE COMMITTEE REPORT: None

SCREENING COMMITTEE REPORT:

Mr. Cobbler discussed medical waiver exemptions for licensees or registrants experiencing hardships due to a medical condition. Mr. Stevens related that the Board already has steps in place to address medical hardships. Mr. Allen stated that the applicant must submit a request to the Board for an exemption. The requests are handled on a case-by-case basis.

Attorney Gray reminded the Board that the statues do not have a provision for a medical waiver. Mr. Allen suggested the issue be remanded to the 74C rewrite committee.

74C REWRITE COMMITTEE: NONE

FINANCE COMMITTEE: NONE

OLD BUSINESS: NONE

NEW BUSINESS:

Attorney Gray covered draft guidelines for a Public Comment Period to be held at each regular Board meeting. The comment period would allow members of the public the opportunity to offer

comments and suggestions to the Board. The discussion may include topics not appearing on the Board's agenda.

Attorney Gray related that citizens will be held to time limits. For example, each individual may speak for a maximum of five minutes during the Public Comment period. Subjects requiring more time for discussion may be added by unanimous consent of the Board to the Board's agenda. Citizens who wish to speak during the Public Comment period will be required to register to speak on a form provided by the Board at the beginning of the Board meeting.

After much discussion the Board decided to adopt the Public Comment Period per the guidelines provided by attorney Gray. Mr. Allen asked staff to send a memorandum to the industry notifying them of the Public Comment Period that will be added to the agenda.

**MOTION BY MR. MACRAE TO ADOPT THE PUBLIC COMMENT PERIOD;
SECONDED BY MR. CLARK; MOTION CARRIED.**

BREAK: 10:24 a.m.
RECONVENED: 10:43 a.m.

FINAL AGENCY DECISIONS

Attorney Jeff Gray removed himself as counsel to the Board to present the following cases.

The Board received the official record for the following case:

Barry Louis Christopher Jr. 12-DOJ-05041. Mr. Christopher was present. This case was heard by Administrative Law Judge Donald W. Overby on June 6, 2012. This case involved the denial of the petitioner's application for an armed guard registration based on the Petitioner's demonstration of intemperate habits or lack of good moral character. The proposal for decision erroneously stated the petitioner applied for an unarmed permit.

Administrative Law Judge Donald W. Overby proposed that the Board reverse its initial decision to deny the Petitioner's application for unarmed security guard registration and grant the security guard registration. As a convicted felon, the petitioner is ineligible for an armed security guard registration. Mr. Christopher was present at the Board meeting.

**MOTION BY MR. WEAVER TO DENY THE APPLICANT'S APPLICATION FOR
ARMED SECURITY GUARD REGISTRATION; SECONDED BY MR. BENSON.
MOTION CARRIED.**

The Board received the official record for the following case:

Lawrence W. Sitgraves, 12-DOJ-06059. Mr. Sitgraves was present. This case was heard by Administrative Law Judge Donald Overby on July 24, 2012. This case involved the denial of the petitioner's application for an unarmed guard registration based on the Petitioner's demonstration of intemperate habits or lack of good moral character.

Administrative Law Judge Donald Overby proposed that the Board reverse its initial decision to deny the Petitioner's application for unarmed registration and grant the unarmed security guard registration. Mr. Sitgraves was present at the Board meeting.

MOTION BY MR. CLARK TO REVERSE THE BOARD'S INITIAL DECISION AND GRANT THE APPLICANT'S UNARMED REGISTRATION; SECONDED BY MR. STEVENS; MOTION CARRIED.

The Board received the official record for the following case:

Bruce Clyde Shoe, 12-DOJ-00556. Mr. Shoe was present. This case was heard by Administrative Law Judge Joe Webster on August 28, 2012. This case involved the denial of the petitioner's application for an armed guard registration based on the Petitioner's demonstration of intemperate habits or lack of good moral character.

Administrative Law Judge Joe Webster proposed that the Board reverse its initial decision to deny the Petitioner's application for armed registration and grant the armed security guard registration. Mr. Shoe was present at the Board meeting.

MOTION BY MR. COBBLER TO REVERSE THE BOARD'S INITIAL DECISION AND GRANT THE APPLICANT'S ARMED REGISTRATION; SECONDED BY MR. WEAVER; MOTION CARRIED.

DIRECTOR'S REPORT:

Director Terry Wright presented the report. The current PPS budget as of September 30, 2012 has a balance of \$867, 080.68; the Education Fund balance is \$57,986.46. As of October 22, 2012, the total registrations for PPS is 17,999, 1,787 licensees, 611 certifications.

Director Wright noted that there have been a total of 2,593 various correspondences printed from the PPS database and a total of 5,113 applications received since the last Board meeting.

MOTION BY MR. STEVENS TO ACCEPT THE REPORT; SECONDED BY MR. CLARK; MOTION CARRIED.

ATTORNEY'S REPORT:

Attorney Gray reported on the following consent agreements:

David Ray Bailey, Premier Protective Services, Inc. On April 26, 2012, the Private Protective Services Board voted to enter into a consent agreement with Mr. Bailey in the amount of \$14,688.00 for 144 registration violations. The consent agreement was mailed to Mr. Bailey on May 3, 2012. The consent agreement required him to pay the \$14,688.00 in six installments

payments of \$2,448.00 with each payment due the first of each month, with the first payment being due on June 1, 2012 and the final payment due on November 1, 2012. The first payment should have been paid on or about June 1, 2012. To date a payment has not been received.

John D. Nail, Vice President, Allegiance Security Group, LLC – consent agreement with Mr. Nail in the amount of \$6,103.60 has been paid.

Dya Singh Khalsa, Akal Security Inc. Consent agreement in the amount of \$1,836.00 has been executed and paid in full.

Lynn Allen Hoosier, Metro Security & Investigative Services, Inc. Consent agreement in the amount of \$999.60 has been executed and paid in full.

Lance Adrian Jones Jr., Safe and Secure Worldwide Protection Group, LLP. On August 30, 2012 the Private Protective Services Board voted to enter into a consent agreement with Mr. Jones in the amount of \$795.65 for 5 registration violations. The consent agreement has not been paid.

Brandon James Dean, Silbar Security Corporation. On August 30, 2012 the Private Protective Services Board voted to enter into a consent agreement with Mr. Dean in the amount of \$612.00 for 5 registration violations. The consent agreement has not been paid.

The Public Hearing for the new administrative rule 12 NCAC 07D .0114, Suspension of Authority to Expend Funds, was held on August 31, 2012. No members of the public were present, but Board member William Macrae did attend.

MOTION BY MRS. MARTIN TO ADOPT RULE 12 NCAC 07D .0114; SECONDED BY MR. EPLEY; MOTION CARRIED

At the August 30, 2012, Board meeting, the attorney was asked to prepare a proposed motion which would interpret 12 NCAC 07D .0405 so as to allow Private Investigator Associates to carry the private investigator badge. Mr. Allen asked the Board members to carefully weigh their decision on this matter. The Board reviewed and discussed the interpretation provided by the attorney.

MOTION BY MR. COOK: “I MOVE THAT THE TERM ‘PRIVATE INVESTIGATOR’ IN 12 NCAC 07D .0405 BE INTERPRETED TO INCLUDE PRIVATE INVESTIGATOR ASSOCIATES FOR THE SOLE PURPOSE OF EXERCISING THE AUTHORIZATION UNDER THIS RULE, BUT FOR NO OTHER PURPOSE”; SECONDED BY MR. GRAHAM; MOTION CARRIED

MOTION BY MRS. MARTIN TO ACCEPT THE ATTORNEY’S REPORT; SECONDED BY MR. EPLEY; MOTION CARRIED.

MOTION BY MR. WEAVER TO ADJOURN; SECONDED BY MR. STEVENS; MOTION CARRIED.

11:59 a.m. Adjourned

Anthony B. Bonapart, Deputy Director

Garcia Graham, Board Secretary